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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/555,408	05/25/2000	Lynn Spraggs	PA1066US	1972

7590

12/21/2004

Lynn Spraggs  
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CANADA

EXAMINER

SON, LINH L D

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/555,408	<b>Applicant(s)</b> SPRAGGS, LYNN	
	<b>Examiner</b> Linh Son	<b>Art Unit</b> 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. This Written action is responding to the Amendment received on 06/01/2004.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-5, 8-12, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massey et al, US Patent No 4567600, hereinafter "Massey", in view of Goto, US Patent No. 4984271, hereinafter "Goto".

4. As per claims 1, 3, 9, and 15, Goto teaches "A system of encrypting and decrypting data using private keys for secure transmission, comprising: using said first an encrypt and decrypt engine for encrypting and decrypting data with a private key" (Col 5 lines 1-5), wherein said encrypt and decrypt engine can encrypt an unsecured data file with a first private key into a first encrypted file (Col 5 line 1-15); using a second encrypt and decrypt engine for encrypting the first encrypted data file with a second private key into a second encrypted file (Col 5 line 29); using said second encrypt and decrypt engine for decrypting the third encrypted file with the second private key into the unsecured data file (Col 6 line 33). However, Massey does not teach the steps of

downloading the encrypt and decrypt engine to the client. Nevertheless, Jardin discloses the "Cipher system with closed cipher procedure" invention, which includes steps of distributing the cipher process program to the client application to provide encrypting and decrypting capability (Col 5 lines 1-39). Therefore, it would have been obvious at the time the invention was made for one having ordinary skill in the art to incorporate Goto's teaching with Massey's secure data exchange method to provide a secure communication technique to the host and the client.

5. As per claims 4, 10, and 16, Massey and Goto disclose the method of claims 3, 9 and 15, further including the step of storing the unsecured data on the second computer. It is obvious at the time the invention was made for one of ordinary skill in the art to see that a memory must exist in the system.

6. As per claims 5, 6, and 11, Massey and Goto disclose the method of claims 3 and 9, further including the step of verifying the validity of the unsecured data after decrypting the third encrypted data file at the second computer. It is obvious at the time the invention was made for one of ordinary skill in the art to see that the validity of the message is in the system, since the message get verified by the receiver every time before the user encrypt or decrypt the message (Col 5 lines 20-25).

7. As per claims 8, 12, and 14, Massey and Goto disclose the method of claim 9, wherein the encrypting and decrypting is performed using associative properties of

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encryption and decryption. It is obvious at the time the invention was made for one of ordinary skill in the art to recognize that the system is using the associative properties of encryption and decryption. The evidence is clear that both side do multiply (Col 5 Equation 3) by an integer E and divide (Col 5 lines 50-53) by an integer  $D=E$  to have the original result. This is nothing more than a math equation.

8. Claims 2, 7, and 13 are rejected under 35 U.S.C 103(a) as being unpatentable over Massey (US-4567600), in view of Goto, and further in view of Soutar et al (US-6219794), hereinafter "Soutar".

9. As per claim 2, 7, and 13, Massey and Goto disclose the system in claim 1, 3, 9, and 15 completely. However Massey do not teach the use of biometric info as the private key. However, Soutar discloses "A method for secure key management using a Biometric" invention, which includes the method and system fully (Col 3 lines 38-46). It is obvious at the time of the invention for one of ordinary skill in the art to incorporate the biometric digitized key into a private key system to enhance the uniqueness of the key to maximize the security in the communication channel.

### ***Response to Amendment***

Applicant has amended claims 1, 3, 9, and 15, which necessitated new grounds of rejection. See rejections above.

***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

**Conclusion**

10. Any inquiry concerning this communication from the examiner should be directed to Linh Son whose telephone number is (571)-271-3856.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Kim Y. Vu can be reached at (571)-272-3859. The fax numbers for this group are (703)-872-9306 (official fax). Any inquiry of general nature or relating to the

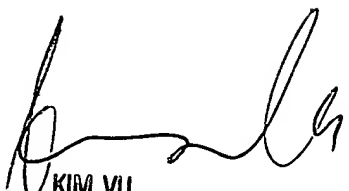
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status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2100.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PMR only. For more information about the PAIR system, see <http://pzr-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Linh LD Son**

**Patent Examiner**



KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100